IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

OP.No. 5648 of 1999(V)

PETITIONER:
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1. **A. CRUCHOVE, JUNIOR TECHNICAL OFFICER,**
   KERALA FINANCIAL CORPORATION, DIST. OFFICE,
   ALAPPUZHA.

2. **M.T. RAJEEV, JUNIOR TECHNICAL OFFICER,**
   KERRALA FINANCIAL CORPORATION,
   DIST. OFFICE, KATTAPPANA.

3. **T. MADHU, JUNIOR TECHNICAL OFFICER,**
   KERALA FINANCIAL CORPORATION, HEAD OFFICE,
   THIRUVANANTHAPURAM.

BY ADV. SRI.C.P.SUDHAKARA PRASAD (SR.)
SRI.ELVIN PETER P.J.

RESPONDENTS:
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1. **KERALA FINANCIAL CORPORATION,**
   THIRUVANANTHAPURAM, REP. BY ITS MANAGING DIRECTOR.

2. **THE BOARD OF DIRECTORS, KERALA FINANCIAL CORPORATION,**
   THIRUVANANTHAPURAM, REP. BY ITS MANAGING DIRECTOR.

3. **STATE OF KERALA, REP. BY THE CHIEF SECRETARY TO**
   GOVT., GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.M.PATHROSE MATTHAI (SR.)
SRI.SAJI VARGHESE
SRI.V.B.UNNIRAJ SC FOR KFC

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO. 9612/1999 IN OP NO. 5648/1999 V.

DISMISSED

03/07/2007. **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PAGE 18 OF THE ORDER NO. BD &CP/97 DT. 16/19/07/97 BY THE KFC.

EXT.P2. COPY OF THE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS HELD ON 30/1/99.

EXT.P3. COPY OF THE REPRESENTATION DT. 15/2/99 BY THE PETITIONERS TO THE BOARD OF DIRECTORS.

EXT.P4. COPY OF THE ENGINEERS CERTIFICATE DT. 14/12/98 BY THE JUNIOR TECHNICAL OFFICER.

EXT.P5. COPY OF THE MINUTES OF THE DIST. LEVEL COMMITTEE FOR STATE INVESTMENT SUBSIDY DT. 22/1/99.

True copy

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Thottathil B. Radhakrishnan, J.

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O.P.No.5648 of 1999

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Dated this the 3rd day of July, 2007.

JUDGMENT

Petitioners, who are Junior Technical Officers in the Kerala Financial Corporation, seek a declaration and direction that with effect from 1-7-1996 they are entitled to revised scale of pay at par with the revised scale of pay given to the Assistant Executive Engineers in the State Government service as per G.O. (P)No.3000/98/Fin. Dated 25-11-1998.

2. Petitioners belong to the service of a statutory body, the Kerala Financial Corporation, constituted under the State Financial Corporations Act. They seek parity in scale of pay with personnel included in the State Government service. Even the nomenclature of the post held by the petitioners is not the same as that of the Assistant Executive Engineers, which they claim as equivalent. There is no material on record to hold that the duties and responsibilities of the Junior Technical Officers in the Kerala

Financial Corporation is the same as that of the Assistant Executive Engineers in the State Government service. It would be a part of one's own aspirations to assume that the post held in the Kerala Financial Corporation as a Junior Technical Officer is one at par with that of the Assistant Executive Engineers working in the State Government or with different other departments. The question of disparity is attempted to be demonstrated by stating that the scale on which the petitioners entered service as Junior Technical Officers was higher than the then existing scale of pay of Assistant Executive Engineers in the State service and therefore, the Assistant Executive Engineers, by reason of the revision of the scales as per the aforesaid Government Order, having moved up to a scale much higher than that of the Junior Technical Officers in the Kerala Financial Corporation, the petitioners should also be permitted to move up to such a stage at least at par with that of the Assistant Executive Engineers in the State Government service. The fact that the petitioners on the one hand and the Assistant

Executive Engineers of the State Government on the other belong to different service and the fact that they were in two different pay scales, is itself sufficient to demonstrate that there can be no case of discrimination being made out on the facts stated above. The assumption that the Junior Technical Officers of the Kerala Financial Corporation and the Assistant Executive Engineer of the State Government are entitled to seek equal treatment in the matter of pay scales does not find any foundation on any legally sound principle.

In the result, this writ petition fails. It is hence dismissed.

Thottathil B.Radhakrishnan,
Judge.

sl.

Thottathil B. Radhakrishnan, J.

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O.P.No.5648 of 1999

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JUDGMENT

Dated:3-7-2007